

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No. 2:18-md-2846

**Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson**

This document relates to:

Osburn v. Davol, Inc., et al.

Case No. 2:23-cv-2764

ORDER

Plaintiff Niki Osburn has filed three complaints, via two different attorneys, in this multidistrict litigation (“MDL”) alleging injuries caused by a Ventralex ST hernia mesh device. The first case, filed on September 16, 2020, was dismissed without prejudice for Plaintiff’s failure to serve complaint (Case No. 20-cv-4854, ECF No. 7). The second case, filed on February 11, 2022, remains pending (Case No. 22-cv-615). On August 25, 2023, Plaintiff filed this case (ECF No. 1). On November 28, 2023, Defendants filed a motion to dismiss the instant action as duplicative of Case No. 22-cv-615. (ECF No. 3.) Plaintiff did not file a response, and the Court will therefore treat the motion as unopposed. Accordingly, Defendants’ motion (ECF No. 3) is **GRANTED** and this case is **DISMISSED**.

IT IS SO ORDERED.

1/10/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE